



102-3

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-9-1998 (O&M)
Date of Decision: 16.05.2024

Ranjit Singh

...Petitioner

Vs.

Daulat Ram and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Shubham Chaudhary, Advocate for
Mr. Kulvir Narwal, Advocate
for the petitioner.

Mr. Karan Kaushal, Advocate
for respondents No.5, 9, 10 & 11.

Ms. Vasundhara Dalal Anand, Addl. P.P., U.T. Chandigarh.

HARPREET SINGH BRAR, J.(ORAL)

1. The present revision petition is preferred against the judgment of conviction and order of sentence dated 22.07.1997 passed by learned Sessions Court, Chandigarh, in FIR No.232 dated 16.05.1993 under Sections 307, 326, 323, 324, 148, 149 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Sadar Karnal, seeking enhancement of sentence awarded to the respondents-accused as well as their conviction under Sections 307/149 of IPC and 326/149 of IPC, with a further prayer to convict accused Mani Ram



and Dost Mohd. for all the offences, under which charges were framed against them.

2. Briefly, the facts are that the parties are in dispute regarding 07 acres of land in Village Uchana, which was originally purchased by mother-in-law of the petitioner namely Chando Devi and after her death, the land was inherited by her daughter i.e. the petitioner's wife-Shanti Devi. However, accused Dhari and Ram Lal had been cultivating the land, before it was purchased by Chando Devi. On 16.05.1993, when the petitioner visited the disputed land along with some labourers in order to plant fruit trees there, then the womenfolk arrived at the spot and began pelting stones at them, causing the labourers to run away. Thereafter, the accused namely Daulat Ram, Puran, Ram Kishan, Prem and Saleemudin armed with *gandas*, Dost Mohd, Ram Lal armed with *jellies*, Suresh armed with *barachhi*, Dhari and Mani armed with *laathis* and Hanif armed with *bhalla* came to the spot. On seeing the petitioner alone, Dhari and Mani Ram stated that he should be killed. Consequently, Daulat Ram gave a *gandasi* blow on the petitioner's head, while Suresh gave a *barachhi* blow, which landed on the left side of his hand. Ram Kishan gave a *gandasi* blow on the right elbow of the petitioner, Puran gave a *gandasi* blow, which hit the fingers of his right hand and Hanif also gave a *bhala* blow to the petitioner, which hit him below the umbilicus. The petitioner tried to defend himself with a *barachhi* and inflicted injuries on Ram Kishan and Daulat Ram. However, he fell on the ground and all the

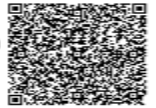


accused began beating him. Meanwhile, Rajbir Singh, Ved Pal, Mehar Singh and Darbara Singh, who were present at Rajbir Singh’s petrol pump, heard the commotion and the labourers talk about the death of the petitioner and arrived at the spot to rescue him.

3. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the respondents were found guilty and convicted them, vide impugned judgment of conviction and vide order of sentence, sentenced them as follows:

<i>Convict</i>	<i>Offence Under Section</i>	<i>Sentence</i>
<i>Daultal Ram, Puran, Ram Kishan, Ram Lal, Hanif, Suresh, Saleemudin, Prem</i>	<i>324 IPC</i>	<i>Rigorous imprisonment for 1 year 6 months and a fine of Rs. 1000/- in default of which further rigorous imprisonment for 2 months each</i>
<i>Dhari Ram</i>	<i>323 IPC</i>	<i>Rigorous imprisonment for 9 months and a fine of Rs. 500/- in default of which further rigorous imprisonment for 2 months</i>

4. Dr. Swadesh Lamba appeared as PW2 and stated that the blow given by Daulat Ram resulted in injury No.2, while Puran was responsible for injury No.9, Ram Kishan for injury No.6, Hanifa for injury No.15 and Suresh for injury No.14 on the person of Ranjit Singh, and all these injuries were simple in nature. Similarly, the injuries on the person of Rajbir, Mehar Singh and Darbara Singh were also declared simple in nature. However, all these



injuries sustained by Ranjit Singh declared to be simple in nature. As such, owing to the medical evidence, it cannot be said that the injuries were inflicted onto the victims with an intention to kill them, as such the ingredients of Section 307 of IPC are not made out. Further, the nature of injuries, as reported by PW2 Dr. Swadesh Lamba does not indicate the commission of an offence punishable under Section 326 of IPC.

5. Further, the FIR (*supra*) was lodged on 16.05.1993 and the petitioner has been suffering the agony of trial since the last about 31 years. It appears that the respondents-accused do not have any criminal antecedents. The theory of reformation and rehabilitation aims at separating the criminal from the crime and compels us to look beyond the one fateful act committed by him. In a civilized society like ours, it would be truly unfortunate, if an offender is not given the opportunity to realize and fully fathom his mistake and channel that awareness into making fruitful contributions in society. A Co-ordinate Bench of this Court in ***Nasri Vs. State of Haryana, 2023(2) Law Herald 2203***, speaking through Justice Arun Monga, made the following observations:

*“11.2. Objectives and principles of criminal law as envisioned in the provision *ibid*, apart from deterrence against committing crime against society, are inter-alia focused on the reformation of offenders, which inheres the concept of probation. Modern criminal justice system often aims to balance punishment with rehabilitation, emphasizing the potential for positive change in individuals who have committed crime. The goal of criminal law extends beyond mere punishment. While punishment serves to*



deter and hold individuals accountable for their actions, there is a growing recognition of the importance of addressing the underlying factors that contribute to criminal behaviour. This perspective emphasizes the potentials of offenders to reform and reintegrate into society as law-abiding citizens. Probation is one of the mechanisms used to achieve this reformation objective. In certain cases, certain offenders may be asked to remain under community supervision rather than being incarcerated. During such probation period, the offender can be put to follow certain conditions, such as regular reporting to a probation officer, participating in counselling or treatment programs and maintaining employment or education. The aim is to provide support, guidance and opportunities for the offender and to address the root causes of their criminal behaviour and develop positive life skills. Close monitoring and guidance provided during probation can help the offender make positive changes in their life and reduce the likelihood of re offending.”

6. In view of the discussion above, this Court finds that the impugned judgment of conviction dated 22.07.1997 and order of sentence of even date, have been rendered in the right perspective. The findings recorded by learned trial Court indicate no perversity, which would inspire this Court to interfere and enhance the sentence awarded to the respondents. Accordingly, present petition is dismissed.

7. All the pending miscellaneous application(s), if any, shall stand disposed of.

[HARPREET SINGH BRAR]
JUDGE

16.05.2024
vishnu

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No